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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Allen J. Ragin

Docket No. GL 5182 A DIV  
Anticipated Classification of this application:

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application:

Examiner K. Furman  
Art Unit 1814

The Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

## FILING UNDER 37 CFR 1.60

Sir:

This is a request for filing a \_\_\_\_\_ continuation X divisional application under 37 CFR 1.60 of pending prior application Serial No. 071800,364 filed on November 26, 1991 of Rodney M. Hewick, Jack H. Wang, John M. Wozney  
(inventor currently of record in prior application)  
Anthony J. Celeste for BONE AND CARTILAGE INDUCTIVE PROTEINS  
(title of invention)

1. X Enclosed is a copy of the prior application.
2. \_\_\_\_\_ A verification of small entity status is enclosed (required even if statement was filed in prior application).
3. X The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION,  
LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE
Total Claims	<u>14</u> - 20 =	0	X \$22.00 =	\$ 0.00
Independent Claims	<u>4</u> - 3 =	1	X \$76.00 =	\$76.00

TOTAL FILING FEE

\$ 806.00

4. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 07-1060.
5. ☐ A check in the amount of \$                      is enclosed. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No.                     .
6. ☒ Cancel in this application original claims 6-9, 13<sup>25</sup> of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☒ Amend the specification by inserting before the first line the sentence: --This is a ☒ continuation ☒ division, of application Serial No. 800, 364, filed November 26, 1991 --
8. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by §1.138 and before payment of base issue fee.)
- 8a. ☐ New formal drawings are enclosed.
- 8b. ☐ Informal drawings are enclosed.
9. ☐ Priority of application Serial No.                      filed on                      (country) is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application Serial No.                     , filed                     .
10. ☒ The prior application is assigned of record to GENETICS INSTITUTE, INC.
11. ☒ The power of attorney in the prior application is to Ellen J. Kapinos, Reg. No. 32,245, Bruce M. Eisen, Reg. No. 22,847, Genetics Institute, Inc., Legal Affairs, 87 CambridgePark Drive, Cambridge, Massachusetts, 02140. and Thomas J. DesRosier, Reg. No. 30,168  
(name, registration number, and address)
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future communications to  
Legal Affairs  
Genetics Institute, Inc.  
87 CambridgePark Drive  
Cambridge, MA 02140

(May only be completed by applicant or attorney or agent of record.)

12. X A petition, fee and response has been filed to extend the time in the pending prior application until October 7, 1994 (must be completed and papers filed if the period set in the prior application has run out). *copy enclosed*
13.        A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
14. X I hereby verify that the attached papers are a true copy of prior application Serial No. 07/800,364 as originally filed on November 26, 1991 including the oath or declaration and drawings.
15. X Also enclosed is:  
*Copy of the Declaration and Power of Attorney filed in prior application  
 USSN 07/800,364*

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 6, 1994  
 Date

Ellen J. Kapinos  
 Signature Ellen J. Kapinos  
 Reg. No. 32,245

Address of signator:

       Inventor(s)

Legal Affairs

       Assignee of complete interest

Genetics Institute, Inc.

X Attorney or agent of record

87 CambridgePark Drive

       Filed under §1.34(a)

Cambridge, MA 02140